

**CRIMINAL JUSTICE SERVICES BOARD
COMMITTEE ON TRAINING**

MINUTES

June 8, 2006

A meeting of the Criminal Justice Services Board Committee on Training (COT) convened at 9:00 a.m. on Thursday, June 8, 2006, in House Room D of the General Assembly Building, in Richmond, Virginia.

Members Present:

Sheriff Beth Arthur
Mr. Robert L. Bushnell
Mr. Gerald P. Eggleston (*Proxy for Gene Johnson, Director, Department of Corrections*)
Dr. Jay W. Malcan
Sheriff Charles W. Phelps, Chairman
Captain Lenmuel S. Terry (*Proxy for Colonel Steve Flagherty, Superintendent, Virginia State Police*)
Mr. Sherman C. Vaughn
Mr. Christopher R. Webb

Members Not Present:

Mr. Alfred T. Dowe, Jr.
Chief Atlas L. Gaskins
Mr. Kenneth S. Hodges
Chief Alfred Jacocks
Mr. Edward M. Macon (*Proxy for The Honorable Karl R. Hade, Executive Secretary, Supreme Court of Virginia*)

DCJS Staff Present:

Leon D. Baker, Jr.
Ron E. Bessent
George B. Gotschalk
Judith Kirkendall
Thomas E. Nowlin

Others Present:

Marty Alford, *Director, New River Criminal Justice Academy*
Gary Brumfield, *Christiansburg Police Department*
Jim Bryant, *Salem Police Department*
N. Butt, *Fairfax Police Department*
Jon Cliborne, *Crater Criminal Justice Training Academy*
Jim Day, *Roanoke Police Department*
Vince Ferrara, *Director, Hampton Roads Criminal Justice Training Academy*
Colonel E. Frankenstein, *Chief, Prince George County Police Department*
J. C. Goforth, *Norfolk Southern Railway Police Department*
George Haudricourt, *ADT*
Elmer Hodge, *Administrator, Roanoke County*
Frederick A. Hodnett, Jr., *Supreme Court of Virginia*
The Honorable Gerald S. Holt, *Sheriff, Roanoke County*
Richard B. Jenkins, *Chief, Rocky Mount Police Department*
The Honorable Octavia Johnson, *Sheriff, Roanoke City*
Ray Lavinder, *Chief, Roanoke County Police Department*
T. R. Morrow, *Fairfax Police Department*
Richard L. Schumaker, *Director, Cardinal Criminal Justice Academy*
Rick Schurz, *Henrico County Police Department*
The Honorable Ronald N. Sprinkle, *Sheriff, Botetourt County*
Ronald J. Staton, *Central Virginia Criminal Justice Academy*
The Honorable Roger Surber, *Sheriff, City of Salem*
Jay Taliaferro, *Assistant City Manager, City of Salem*
G. Warren Wahl, *Virginia Department of Conservation and Recreation*
Grant Warren, *Virginia Commonwealth University Police Department*

Call To Order:

Chairman Phelps called the meeting to order. The roll was called with seven (7) members present, which indicated a quorum. (*Mr. Webb arrived later.*) The Chair asked if there were any questions or comments regarding the minutes of the last meeting. Hearing none, he asked for a motion to approve the minutes as written. Mr. Vaughn made a motion to approve the minutes; Mr. Eggleston seconded, and the minutes were approved unanimously.

Old Business:

Dispatcher Curriculum Review Committee Membership Changes

Chairman Phelps introduced Judy Kirkendall, DCJS Job Task Analysis Administrator, to present the names of the nominees for the Dispatcher Curriculum Review Committee (CRC) for the 2006 - 2008 term. Ms. Kirkendall distributed the following list of nominees:

- Lisa Hudson, Supervisor, Fredericksburg Communications, Fredericksburg, Virginia,
- Cindy Sayer, Supervisor, Fairfax County Police Department Communications, Fairfax, Virginia,
- D. Terry Hall, Manager, York County Communications Department, Yorktown, Virginia, and
- April Corbin, Training Coordinator, Harrisonburg-Rockingham ECC, Harrisonburg, Virginia.

Chairman Phelps asked if there were any questions or comments regarding the nominees. Hearing none, Sheriff Arthur made a motion to accept the nominees, to which Captain Terry seconded. The nominees were voted upon and were passed unanimously.

Alzheimer's Training Update

Chairman Phelps introduced Ron Bessent, DCJS Training and Development Manager, to give a summary of the Alzheimer's Program trainings that have been conducted for the first half of the year 2006. Mr. Bessent noted that Ms. Julie Skone, Alzheimer's Training Program Coordinator, has been traveling extensively in meeting the training demands of the program. The program provides education on how the disease impacts individuals, their caregivers, and emergency response personnel. Once participants in the program receive information about the signs and symptoms of the disease, they are educated about the various stages of Alzheimer's, what to look for, and how to handle the patients. The sessions also include role-playing, in which participants are able to practice what is covered in the course. Some training sessions include search and rescue information, which is provided by the Virginia Department of Emergency Management (VDEM). This aspect of the sessions provides the participants with resources that are available to them, including Safe Return, etc.

The program has provided several Train-the-Trainer sessions in which instructors are taught how to train others in dealing with Alzheimer's disease. Sessions at the following academies have provided training for about ninety (90) participants:

- Prince William
- Central Shenandoah
- Central Virginia, and
- Southwest.

Mr. Bessent added that Ms. Skone and Bob Schafer usually handle basic and in-service training sessions at the various academies. Some of these sessions have been held at the following locations with approximately two hundred and thirty (230) officers participating:

- Hampton Roads Criminal Justice Regional Academy,
- Portsmouth Sheriff's Office Training Academy
- Richmond Police Academy,
- Chesterfield County Sheriff's Training Academy, and
- The Stafford County Fire and Emergency Management Service.

Mr. Bessent reported that Virginia State Police has trained all of its personnel in Alzheimer's disease, and these sessions usually include two to four hours of training.

In addition to the training sessions around the Commonwealth, Mr. Bessent and Ms. Skone have made presentations at various conferences with approximately two hundred and ten (210) contacts. These include:

- Virginia Fire Chiefs Association Expo and Symposium,
- Third Annual Project Lifesaver International Conference, and
- The Alzheimer's Association Southeast Virginia Chapter Annual Education Conference.

The program has also received requests for special training from the South Carolina Criminal Justice Academy. This session was a two-day Train-the-Trainer conference with approximately forty-five to sixty (45 – 60) first responders in attendance. They will soon return to South Carolina to do a televised program for educational purposes for use throughout the state. Mr. Bessent noted that participation in these events help showcase the DCJS Alzheimer's program. He added that approximately two and a half months ago, the program entered in a consortium with other southeastern states that usually hold a conference call every quarter. After the DCJS presentation on the Alzheimer's training, a number of states have asked the Department to make presentations or provide information on DCJS's program.

Mr. Bessent advised the members on the following projects for the remainder of the calendar year:

- Complete "Faces of Alzheimer's" presentation. This would include a PowerPoint presentation of famous individuals who have died from this disease, including Ronald Reagan, Floyd Patterson, and others. Marsha Dietz, DCJS Graphics Coordinator, is currently finalizing the presentation.
- Continue on-going basic and in-service training programs.
- Develop training package for fire and EMS. Fire and Emergency Services have asked the program to develop a training package for personnel to attend the sessions on the weekends as most of them are volunteer workers and have full-time jobs during the week.
- Schedule Train-the-Trainer sessions for the fall.

The Chairman thanked Mr. Bessent for his report and asked for questions or comments. Hearing none, he opened the floor for new business.

New Business:

Academy Affiliation Issues

Sheriff Phelps informed the members that The Honorable Gerald Holt, Sheriff, Roanoke County, and the Roanoke County contingent had asked for an opportunity to discuss starting another academy for criminal justice agencies in Roanoke County.

Sheriff Holt noted he was representing the Western Virginia Regional Jail Authority, which had been established within the past year and would employ approximately one hundred and ninety-four (194) individuals. He added that at present they would not be making a request for academy affiliation, but hope to bring this request to the COT in the near future.

Sheriff Holt also introduced Mr. Jay Talliaferro, Assistant City Manager, City of Salem, and The Honorable Roger L. Surber, Sheriff, City of Roanoke. He mentioned that Roanoke County Sheriff's Office is a member of the Cardinal Criminal Justice Academy. He advised that in accordance with the Establishment of Training Academies Guidelines, effective 1999, Roanoke County SO would be submitting letters to withdraw from Cardinal Criminal Justice Academy in hopes of being affiliated with a new academy that is to be established in the Roanoke area.

Chairman Phelps asked if there were any questions or comments. Hearing none, he introduced Mr. Norman Hodge, Administrator, Roanoke County. Mr. Hodge advised the Committee about the history of Roanoke County and the strides County Administration has made in building a regional fire and rescue center for use by the County of Roanoke, Roanoke City, the City of Salem, the Town of Vinton, and surrounding areas. He noted that recently they had built a driving range and firearms training facility in conjunction with the City of Roanoke and added that there are various plots of land available to build a new state-of-the-art training facility for area criminal justice agencies.

Mr. Hodges also noted that a number of local criminal justice agencies that have membership at various certified training academies (Roanoke County Sheriff's Office with Cardinal CJA, New River Valley Regional Jail with New River Academy, and Roanoke County Police Department is independent without any regional academy affiliation) and suggested that these agencies could unite to form a local academy to accommodate the various training issues. He mentioned that the Roanoke City Police Academy has to relocate from its present building, and the Roanoke City Police Department has contracted to work with Roanoke County to assist in building a new facility. He indicated that the Cardinal CJA is land-locked and does not have land to expand. Although the Executive Board of Cardinal had initially expressed willingness for expansion, they are now opposed to the idea of establishing a new academy and the building of a new facility even though Roanoke County is offering to assist in this venture.

Mr. Hodges asked that the COT not vote to expand any sanctions on the Roanoke County Sheriff's Office and allow them to withdraw from Cardinal CJA to pursue the establishment of a new training academy. He also asked members of the Committee to visit the Roanoke Valley and perhaps recommend a committee to review these options and the viability of establishing a new facility.

Mr. Bushnell asked if the moratorium on the establishment of new academies is a matter of law or a matter of regulation set by DCJS and could an academy be established and built that is locally funded if the General Assembly (GA) has prohibitions on the construction of a new academy. Mr. Baker responded that no academy can be established without the consent of the GA, and the GA prohibits the Department from approving and funding new academies. Mr. Bushnell advised that, in light of this information, the COT does not have the authority to make a decision on establishing a new academy in the Roanoke Valley.

Mr. Hodges responded that the guidelines set by §15.2-1747 of the Code of Virginia would make it difficult for local agencies to withdraw from academies. Mr. Bushnell asked where is the location of Cardinal CJA. Mr. Hodges responded that Cardinal CJA is in Salem. Sheriff Arthur asked Sheriff Holt how long has Roanoke County Sheriff's Office been with Cardinal CJA. Sheriff Holt acknowledged that Roanoke County SO had been a member of Cardinal CJA since 1983 and is one of its charter members. He added that he has been sheriff of that department since 1992.

Sheriff Arthur mentioned that she was aware of an agency being allowed to withdraw from one of the regional academies because the academy was more urban and no longer met the needs of that particular agency. Mr. Bushnell asked for clarification that the Executive Board of Cardinal CJA, which is small and completely surrounded by Roanoke County and is contiguous to the City of Roanoke, was declining the opportunity to expand although the bulk of its member agencies wanted Cardinal to do so. Mr. Hodges responded that although he could not speak on behalf of the Executive Board of Cardinal, two police chiefs and the sheriff of Roanoke County want to withdraw from Cardinal CJA. He reiterated that Roanoke City Police Department has to build a new facility on two acres of land and have offered to partner with Roanoke County in doing so. He noted that they have the option of expanding to twenty or thirty acres with a driving range and firearms training facility in close proximity. He added that it would be a great opportunity for Cardinal CJA to join them in this venture, yet he was not suggesting that Cardinal merge with Roanoke, but allow room to expand in the future from a facility that is already land-locked.

Mr. Bushnell asked if the moratorium on the creation of a new training entity applied if an existing academy decided to build a new physical structure. Mr. Baker responded that if the Roanoke contingents would build a new academy, and it is not certified by the GA, DCJS could not accept training from that (uncertified) training academy. Mr. Bushnell then asked if Cardinal would have the legal option to physically move their academy to another site if they kept their status as an academy. Mr. Hodges responded that they would. He added that if an independent agent was not asking for money from the state, they could petition to establish a new academy. Mr. Hodges reiterated that he was asking the COT to not prevent the contingency from building and establishing a new training academy. Mr. Baker responded that criminal justice agencies could transfer from one academy to another provided they do so within the guidelines set by the GA. Yet, the moratorium is only on establishing a new academy.

Mr. Gotschalk asked to give a brief history on the CJSB Regional Criminal Justice Academy Guidelines. He advised that the guidelines came out of a study done by the Joint Legislative Audit and Review Commission (JLARC) in 1998. One of the concerns prior to the moratorium was the financial instability of academies as they were unsure of how their membership would change from year to year. Member agencies would move freely from one academy to the next. JLARC sought to ensure stability of membership within the academies and still provide a means by which agencies could transfer. In addition to these guidelines, DCJS was prohibited from approving any new academy for certification.

Mr. Bushnell thanked Mr. Gotschalk for the historical reference and asked what would Roanoke County Sheriff's Office have to do should it choose to transfer academies. Mr. Bessent explained that §15.2-1747 provides that membership to an academy last for a five-year (5-) period to provide for stability. Any agency or locality wishing to transfer has to both petition the academy and the governing body of the academy from which it is transferring as well as the

academy and governing body of the academy it is transferring to. To leave an academy within that 5-year membership period, the governing body votes on this membership and must approve the withdrawal unanimously (or 100%). In addition, the agency or locality must petition the academy to which it is transferring, and the governing body of that academy must approve the transfer with a two-thirds (2/3) vote. Simultaneously, a copy of these requests (transferring to and transferring from) should be sent to the Department of Criminal Justice Services in order to determine any potential impact on funding allocated by the state.

Mr. Bessent explained that the agency or locality can join an academy within a grace period prior to October of the current year, and the transfer becomes effective the following July 1st. If the agency or locality fails to comply with these guidelines, DCJS can sanction them, which could include withholding funds from the receiving academy. If regional academies are involved, these entities must also comply with regional academy charters and its financial obligations to that academy. He emphasized that the primary concern is so that the regional academy, which relies on funding from the state, would not be left in financial straits. Funds for regional academies are based on a three-year average of officer population.

Chairman Phelps recognized Chief Ray Lavinder, Roanoke County Police Department. Chief Lavinder addressed the Committee and acknowledged his history as a law enforcement officer and status on the Board of the Virginia Association of Chiefs of Police (VACP), although he was not representing the VACP at the meeting. He noted that Roanoke County Sheriff's Office was concerned that Cardinal CJA might appeal to the COT for additional sanctions against Roanoke County SO, and he was opposed to additional financial sanctions against Roanoke County SO. He acknowledged that over the years, training has evolved due mostly to DCJS and that he encourages these changes in those areas. However, he felt that if agencies are restricted in their transferring to academies that might better suit their needs, this might hinder the agencies' growth.

Chairman Phelps thanked the agencies for their participation in this discussion before the Committee.

Criminal History Records Regulations

Chairman Phelps noted that Rules Relating to the Storage and Dissemination of Criminal History Record Information have been in existence in its current form since 1978. However, many criminal justice agencies are not aware of their existence. He asked George Gotschalk to give a brief history of why these rules exist and the Department's role pertaining to them.

Mr. Gotschalk advised that this set of rules was created as a result of federal law and federal regulation that allowed the use of the Law Enforcement Assistance Administration (LEAA) funds to enhance each state's ability with criminal history records information. Three retired FBI agents created the rules: Ray Geisen, Vernie Walters, and Del Roberts. The administration of the rules has gone through many transformations over the years, and the states also have to conform to federal regulations established for the storage and dissemination of criminal history records. Within the context of the federal regulations, there exists a section that specifically deals with state and local units of government and the requirements they must comply with from a federal standpoint.

The Standards and Training Section of the Department of Criminal Justice Services inherited the responsibility for these regulations and have determined that in order to comply with Virginia law, staff must conduct random audits of agencies maintaining criminal history records for compliance issues. Currently, Judy Kirkendall has been assigned the task of conducting audits throughout Virginia. She received her training from Ron Dooley, who retired from DCJS as auditor of criminal history records. Ms. Kirkendall's first task was to conduct audits to determine the status of records in the field. The Department is also responsible for random audits to include police departments, sheriff's offices and commonwealth attorneys' offices. There is a debate if the audits should include courts and other agencies that have access to this information.

Mr. Gotschalk noted that one of the problems with this process is that this information should be posted on record within thirty (30) days, which appears to be a problem for law enforcement agencies throughout the state. He added that these regulations appear to exclude the courts from audits, and the Department is also trying to get a determination from the federal government regarding the interpretation of the language of the regulations. Thus, DCJS is having on-going dialogue with the FBI Records Unit in West Virginia to see what implications potential changes may have, what changes the Department can recommend, to whom the records apply, and what the possible consequences are for non-compliance from the federal level. Staff is currently working with the Office of the Attorney General on the issue of application of records requirements in the courts.

Mr. Gotschalk advised that he and Ms. Kirkendall would be participating in a conference call with the FBI on Friday, June 9, 2006, to further discuss these issues. He reported that some of his discussions with Ms. Kirkendall included conducting training sessions each year for managers of criminal justice agencies to assist individuals throughout the state on compliance with federal regulations regarding criminal history record information.

Mr. Bushnell asked if the Department had met with the Commonwealth Attorney's Services Council and the Supreme Court. Mr. Gotschalk responded that DCJS is only looking to see if the records are stored in secure areas, if the expunged records have been properly sealed, and if the records can be located if the courts rule that they should be reopened. He added the purpose for conferring with the FBI is to seek guidance and that the Department might get these guidelines in writing. Mr. Bushnell asked Mr. Gotschalk to keep him informed of the information he receives because he would want him to share the Department's findings with the Commonwealth Attorney's Board to educate them about the storage and dissemination of criminal history records information.

NIMS Training

Sheriff Phelps mentioned that it is important that all agencies are in compliance with the National Incident Management System (NIMS) and asked Mr. Gotschalk to speak to the members about the state and federal requirements regarding this training. Mr. Gotschalk advised that the 2006 guidelines by the Department of Homeland Security have been established for the Federal Fiscal Year commencing October 1, 2006. These guidelines require each state, county, city, and town to commence the training of first responders in NIMS and Incident Command System (ICS). He noted that law enforcement has been utilizing the Incident Command System for years, although it had not been called by that term.

He distributed a matrix that was created by the Virginia Department of Emergency Management (VDEM), the lead agency in Virginia that is working with the Department of Homeland Security. The matrix reflected only the local government and state agency requirements identified in the 2006 NIMS compliance guidance. He noted that Governor Kaine signed Executive Order Number 122, which requires the State of Virginia to adopt NIMS. The order also forbids any state agency from providing homeland preparedness funds to any locality not in compliance with NIMS requirements. He emphasized that these requirements include police department, sheriff's offices, fire departments, emergency medical responders and any other first responders within a community. Mr. Gotschalk also noted that all state and local officials with emergency management responsibilities are required to be trained in the National Response Plan (NRP). The NRP would give command staff individuals the same basis on which to work when dealing with incidents requiring emergency response.

Mr. Gotschalk added recently he had to identify individuals within the DCJS who might be required to take the training. Training can be obtained online via the Federal Emergency Management Agency (FEMA) website. He advised that Sam Hoffman, VDEM, is one of the best resources in Virginia regarding this training. Mr. Gotschalk reminded the members that, even though the training is not a requirement of DCJS, there is an executive order regarding the distribution of funds if agencies are not in compliance.

Public Comment

Chairman Phelps thanked Mr. Gotschalk for his presentation and asked if there was anyone in the audience that would like to address the COT concerning matters within its purview.

Rich Schumaker, Director, Cardinal Criminal Justice Academy, thanked the Committee for allowing their indulgence and introduced members of the Cardinal CJA Executive Board: Richard Jenkins, Chairman; Warren Wahl, Vice Chairman; J. C. Goforth, Norfolk Southern Railway Police Department; Gary Brumfield, Chief, Christiansburg Police Department; Jim Bryant, Chief, City of Salem Police Department, Past Chairman; The Honorable Ronald Sprinkle, Sheriff, Botetourt County; The Honorable Octavia Johnson, Sheriff, City of Roanoke; and The Honorable Roger L. Surber, Sheriff, City of Salem.

Mr. Schumaker distributed a document to the members of the Committee, which included the following:

- The Proposed Regulations “Establishment of a New Criminal Justice Training Academy,”
- Proposed Regulations for “Non-Compliance With **§15.2-1747 *Code of Virginia***,”
- Key Legislation: **§15.2-1747**. Creation of academies and **§15.2-1300**. Joint exercise of powers by political subdivisions, and
- The Criminal Justice Services Board Guidelines Section 5.0 “Changing Regional Academies.”

Mr. Schumaker proposed two items to be included in the Department's regulations regarding changing academies. The first is the moratorium against the approving and/or funding in the establishment of new criminal training academies. He acknowledged that this statement has been

a part of the Appropriations Act for several years and believes it should remain in the act. He mentioned that the statement could be removed in the future and recommended that the procedure for establishing a new academy be included in the DCJS regulations. He noted that the cornerstone of the existing regulations resulted from a study by the Joint Legislative Audit and Review Committee (JLARC) that prohibits the establishment of a new academy if it prohibits growth and funding of an existing academy. He proposed that the establishment and funding of a new criminal justice training academy be prohibited if the new academy would result in redundant services in a very small geographical area or would have a negative economic impact on the members of an existing academy. In addition, no requests for a new academy would be considered if the requesting governmental unit or participating governmental units is not in compliance with **§15.2-1747**. He advised that it is the position of the member agencies of Cardinal CJA that there is no need for an additional criminal justice training academy in the Roanoke Valley. He added that although they were present to oppose the establishment of a new academy in the Roanoke area, the impact of establishing a new academy is not limited to the Roanoke area. He asserted that the majority of criminal justice agencies in the Commonwealth are small, and withdrawal from an existing academy would have a negative impact on the moderate agencies as well. Academies would lose instructors in addition to other personnel, and the remaining member agencies would have to, in turn, lose personnel to fill this void. Small agencies cannot absorb this.

He noted that **§15.2-1747. D.** establishes the procedure by which an agency can withdraw from an academy. To do so, the agency must receive two-thirds vote of the board of directors of the academy and that the board of directors shall consider requests to withdraw in October 2001, and in October of every fifth year thereafter. Mr. Schumaker added that the statute does not include sanctions for non-compliance.

Mr. Schumaker reported that prior to 2000, Section 5 of the “Criminal Justice Services Board Guidelines for Regional Training Academies” established a certain procedure for changing academies. Section 5.1.3 of these guidelines gives the COT the authority to enforce the guidelines and impose sanctions for non-compliance. He noted that unfortunately the guidelines refer to procedures that were in effect prior to 2000, when they were superseded by the amendments to **§15.2-1747**. He added that as a result one might conclude that since the guidelines are no longer valid, the sanctions that are attached to them might also no longer be valid. He noted that they believe that the decision is divisive to all criminal justice agencies in the Commonwealth, and academies might be forced to pursue civil remedies to impose these sanctions to protect their member agencies. They proposed that non-compliance with **§15.2-1747** should result in DCJS not accepting training rosters from agencies that fail to comply with the guidelines.

He recommended that DCJS take these steps to adopt these proposals as emergency regulations. Mr. Schumaker added that the General Assembly has made its intent clear through **§15.2-1747**, and if agencies fail to police themselves the General Assembly would take historic precedents to modify these regulations.

Mr. Bushnell asked Mr. Schumaker if he mentioned that he might have to take civil steps to pursue sanctions against agencies for non-compliance. Mr. Schumaker responded that he did not intend to do so with Roanoke County. Mr. Bushnell asked if Mr. Schumaker was suggesting that DCJS significantly sanction an agency that is in non-compliance with **§15.2-1747** was better than pursuing a civil suit for non-compliance. Mr. Schumaker responded that he felt that every

agency is sworn to uphold the laws of the Commonwealth and that the GA has established clear guidelines for non-compliance. He added that some of the issues being discussed at today's meeting were being discussed prematurely. The law prohibits withdrawing from an academy prior to October of the current year. However, he felt that Sheriff Holt's earlier presentation to the COT was a request to withdraw from Cardinal.

Mr. Bushnell advised that the law suggests that no sanctions be imposed. He added that if there is no law about sanctions, then an academy could not sue an agency to prevent them from leaving the academy. However, Mr. Bushnell suggested that Mr. Schumaker pursue a remedy by going to court rather than asking the Department to impose sanctions if the Department is not legally required to do so. Mr. Schumaker responded that he was suggesting that the current guidelines might not work any longer and that they should be updated.

Mr. Bushnell asked if DCJS should impose painful sanctions on Sheriff Holt and his locality that Roanoke County might sue DCJS for imposing these sanctions. Mr. Schumaker responded that Mr. Bushnell was asking him for a legal opinion and how Roanoke County might react to a hypothetical situation. He added that he could not answer that. He noted that this is an issue that regional academies throughout Virginia are facing. Regional academies train about seventy-five percent (75%) of all criminal justice agencies in Virginia. Mr. Schumaker mentioned that small agencies pay a price when a moderate-sized agency leaves an academy. He noted that agencies that withdraw might often need the assistance of other agencies to withdraw from one academy and join them in establishing a new academy. Mr. Schumaker added that the JLARC study also indicated that Virginia is the fourth state with the most number of criminal justice academies. This resulted in Senator Holland's bill in 2001, which would give each agency the decision to determine the academy it should join. Mr. Schumaker added that initially he was not a proponent of the bill, but later began to see its merits. He noted that prior to 2001, the relationship between academies and resources did not exist. Now, he notes that Marty Alford, Director, New River Criminal Justice Academy, and he confer with each other several times a week. He mentioned that the academies' presence at the COT meeting was in support of **§15.2-1747** and asking for adjustments to the section to make sure that there are sanctions for non-compliance. Mr. Bushnell reiterated that he understood what Mr. Schumaker was saying. However, he was concerned if the Department could impose sanctions if law did not provide it.

Mr. Webb asked if anyone from DCJS had addressed the issue during today's meeting. Mr. Gotschalk mentioned that he had given a brief history on JLARC's intention to stabilize the training system within the Commonwealth so that academies would know their membership and financial status and could, therefore, plan from one year to the next. He advised that any emergency regulation would have to be approved through the Office of the Attorney General. Mr. Baker asked if the academy regulations were under review. Ms. Kirkendall responded that they were not.

Mr. Gotschalk reported that the Department was asking that the guidelines be reviewed. He noted that in the past they had asked the Committee on Training to take a look at the entire issue of academies and transfer guidelines. He advised that Mr. Baker, Mr. Bessent and he had prepared a letter to Martin Kent, Office of the Attorney General, as there are some items on which they might want an official opinion. Otherwise, academies could send an informal letter to Mr. Gotschalk for clarification of other issues. Mr. Baker added that the Department recognizes that the issue is larger than that of only Roanoke County, and they recommend that DCJS organize a meeting to bring all parties together in a roundtable discussion to reach an

agreement. Mr. Baker noted that the House has stated that there is no extension on the moratorium, and staff is hoping to hear some decision pending the current budget issue (in the General Assembly).

Dr. Malcan asked if the issue was concerning an agency leaving a regional academy to go to an independent academy. Mr. Gotschalk responded that the Roanoke City Police Department had its own academy, and the Roanoke City Sheriff's Office participates with Cardinal Criminal Justice Academy. He noted that Chief Lavinder, Roanoke County Police Department, has joined the Roanoke City Police Academy and, in this case, there is no funding issue associated with an independent academy. Dr. Malcan asked if the issue was about changing between two academies or starting a new one. Mr. Gotschalk responded that the issue is about starting a new academy.

Mr. Hodges noted that the constituency is talking about the ability to have and exercise options to partner with another locality or agency that would work with their objectives. He mentioned that the new regional jail would need a place to train and should have the option to train wherever they choose. He added that they had discussed plans for change with Cardinal CJA, and if Cardinal was unwilling to make changes, they would move on. He reiterated the advantages of a firing range, driving range, and room for expansion that were mentioned earlier.

Mr. Bushnell advised that he would suggest that if Cardinal and Roanoke County felt that there were no other options they should pursue an outcome through the courts. He added that he was unsure why the matter had been brought before the Committee as the law clearly states its intentions. Mr. Hodges responded that he brought the matter before the COT because years ago Mr. Schumaker had challenged one of their prior proposals in court and also pursued the matter through the GA where it was also defeated. He noted that he did not think it was the original intent of the guidelines to make Roanoke County Sheriff's Office wait an additional five years before transferring from Cardinal. Mr. Gotschalk reiterated that the issue of agency transferring from one academy to another is not new as a study was done 1980, another by a private consultant, and then another by JLARC. He suggested that the GA has established laws on the creation of new academies and has indicated what the responsibilities of DCJS are. He added that DCJS complies with the law, and perhaps the GA should entertain other options, if need be.

Mr. Bessent reminded the members that during the March meeting of the COT, committees were established to review issues, including those of academy guidelines. He added that as Mr. Gotschalk had mentioned the Department is seeking guidance from the AG's Office on how to proceed. Mr. Bessent acknowledged that these issues are important, yet, the Department does not want to make hasty decisions and would like to take time to look at all sides of the issues and other options that are available.

Chairman Phelps recognized Marty Alford, Director, New River Criminal Justice Academy, to address the Committee. Mr. Alford mentioned that having been director of New River since July 2001, he could speak on how agency transfers impact regional academy membership. He prefaced that the JLARC study in 1999 was meant to stabilize academy membership. When he was appointed director of New River in July 2001, he inherited an academy that had been stripped of its membership due to competition and backbiting among member agencies and academies prior to the establishment of **§15.2-1747**. He noted that prior conditions made it impossible for regional academies to plan for long-term or protracted growth. He added that the establishment of the new law, effective July 2001, saved New River because it provided

mandates and sanctions. The academy was able to stabilize its membership, bring together its remaining resources, and restructure and reorganize to its present status. He reported that the provisions of §15.2-1747 do not eliminate choice, but simply put in place procedures on which to follow in making these choices. Now, each regional academy has a board, which appoints directors, maintains a budget, sets up curricula, and develops policies and procedures that are conducive to the needs and requirements of the regional band of agencies. Mr. Alford emphasized that academies lose resources when they lose member agencies. In 1999, New River lost nine agencies when Piedmont Regional Criminal Justice Training Academy was established in Martinsville. Thus, with agencies transferring from New River to Piedmont, New River lost revenue, expertise, integrity in training and quality of service. He noted that this has significantly impacted New River's instructor base.

Mr. Alford asked that the Committee review the guidelines regarding academy transfers, as it is important that the language is clear and concise in dealing with these issues. He reiterated that the scope of this issue goes beyond Roanoke County and affects the various other academies.

Mr. Bushnell asked Mr. Alford if he was proposing that DCJS impose sanctions on an agency that wants to withdraw from an academy even if the withdrawal is approved by more than two-thirds of a vote. Mr. Alford responded that he was not proposing a sanction on those agencies

The Chairman recognized John Cliborne, Crater Criminal Justice Training Academy. Mr. Cliborne stated that he was representing Steve Mahoney, Director of Crater, in his absence. He also introduced Colonel Edward Frankenstein, Chief, Prince George County Police Department, and chairman of Crater's Board of Directors. He noted that they wanted to point out that the stabilization of academies has allowed Crater to share resources and provide a quality of programs that affect all criminal justice agencies. He noted that they make it a priority to resolve situations within their academy rather than transferring to another academy. He mentioned that their presence at the meeting was to offer support to the other regional academies.

Chairman Phelps offered two letters, one from The Honorable Edgar S. Robb, Sheriff, County of Albemarle, and Chairman of the Central Shenandoah Criminal Justice Academy, and The Honorable Charles E. Jett, Sheriff, Stafford County, and Executive Board Chairman, Rappahannock Regional Criminal Justice Academy, that he wanted added to the record regarding their concerns over sanctions and their support of §15.2-1747, which would be reviewed by the committee when looking at academy guidelines.

Mr. Cliborne submitted two additional letters for consideration of the guidelines of academy transfers from Jeffrey S. Brown, Chief, Christopher Newport University Police Department, and Mike Marshall, Chief, Town of Smithfield, and Chairman of the Board, Hampton Roads Regional Criminal Justice Training Academy.

Chairman Phelps thanked the participants in the meeting and reiterated that as Mr. Bessent had mentioned the committees would review all of the information and thoughts presented and would confer with the Office of the Attorney General on how to proceed. He concurred that the committee could offer some resolution and hoped that Roanoke County and Cardinal CJA might resolve this issue.

Next Meeting

Hearing no other concerns from the audience, Sheriff Phelps noted that the next meeting of the Committee on Training is scheduled for September 13, 2006.

Adjournment

Mr. Vaughn made a motion to adjourn the meeting, which was seconded by Colonel Terry. The motion was approved unanimously, and the meeting was adjourned at 10:49 a.m.

Respectfully submitted,

Thomas E. Nowlin
Recording Secretary

Approved: _____
The Honorable Charles W. Phelps
Chairman

Date

Attachment(s)